

115TH CONGRESS
2D SESSION

S. 3047

To establish a narcotic drug screening technology pilot program to combat illicit opioid importation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2018

Mrs. McCASKILL (for herself, Mr. KING, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a narcotic drug screening technology pilot program to combat illicit opioid importation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Opportunities to Pro-
5 vide for Illicit Opioid Interdiction and Detection Act of
6 2018” or the “OPIOID Act of 2018”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) CBP.—The term “CBP” means U.S. Cus-
2 toms and Border Protection.

3 (2) COMMISSIONER.—The term “Commis-
4 sioner” means the Commissioner of U.S. Customs
5 and Border Protection.

6 (3) DEPARTMENT.—The term “Department”
7 means the Department of Homeland Security.

8 (4) MOTOR VEHICLE.—The term “motor vehi-
9 cle” has the meaning given the term in section
10 30301 of title 49, United States Code.

11 (5) NARCOTIC DRUG.—The term “narcotic
12 drug” has the meaning given the term in section
13 102 of the Controlled Substances Act (21 U.S.C.
14 802).

15 (6) UNDER SECRETARY.—The term “Under
16 Secretary” means the Under Secretary of Science
17 and Technology of the Department.

18 **SEC. 3. PILOT PROGRAM AUTHORITY.**

19 (a) ESTABLISHMENT.—The Under Secretary and the
20 Commissioner shall jointly establish the pilot programs de-
21 scribed in sections 4 and 5.

22 (b) IMPLEMENTATION.—The Under Secretary and
23 the Commissioner shall—

(1) not later than 90 days after the date of enactment of this Act, begin development of the pilot program described in section 4; and

7 (c) SUNSET.—The authority provided to the Under
8 Secretary and the Commissioner under this section shall
9 terminate on the date that is 5 years after the date on
10 which both of the pilot programs described in sections 4
11 and 5 are implemented.

12 (d) APPLICATION OF FACA.—The pilot programs
13 authorized under this Act shall not be subject to the Fed-
14 eral Advisory Committee Act (5 U.S.C. App.).

15 SEC. 4. NARCOTIC DRUG SCREENING TECHNOLOGY PILOT
16 PROGRAM FOR INBOUND INTERNATIONAL
17 MAIL.

18 (a) ESTABLISHMENT OF PROGRAM.—The Under Sec-
19 retary and the Commissioner shall, in consultation with
20 the Postmaster General, the Administrator of the Drug
21 Enforcement Administration, and any other entity the
22 Under Secretary and the Commissioner determine appro-
23 priate, including industry experts and academia, jointly es-
24 tablish a pilot program to develop new technology, or de-
25 ploy existing technology, designed to screen mail, items,

1 and containers entering the United States for narcotic
2 drugs.

3 (b) REQUIREMENTS.—In establishing the pilot pro-
4 gram required under subsection (a), the Under Secretary
5 and the Commissioner shall—

6 (1) facilitate the development of—

7 (A) technology to screen letters, flats, and
8 parcel mail, as well as mail transport shipment
9 containers and bags; and

10 (B) methods for using data to expose ille-
11 gal mail transfers of narcotic drugs from for-
12 eign countries;

13 (2) develop processes and procedures necessary
14 to test, evaluate, and operationalize any technology
15 developed under the pilot program, including proc-
16 esses for incorporating the technology with, or re-
17 placing, technology in use as of the date of enact-
18 ment of this Act;

19 (3) review the processes and procedures de-
20 scribed in subparagraphs (A) and (B) of paragraph
21 (1), that are in effect as of the date of enactment
22 of this Act to determine—

23 (A) the effectiveness of the processes or
24 procedures; and

(B) whether adjustments to the processes or procedures are needed to enhance detection of narcotic drugs;

6 (5) consult with the National Institute of
7 Standards and Technology to ensure that tech-
8 nologies deployed under the pilot program perform
9 in an effective manner, including—

(A) a determination of background levels
of narcotic drugs in postal facilities;

(B) periodic operational testing of deployed instruments using non-vendor supplied materials;

15 (C) reviews of screener training; and

(D) mechanisms to address the introduction of new narcotic drugs and sample types, including analogue substances.

19 SEC. 5. NARCOTIC DRUG SCREENING TECHNOLOGY PILOT
20 PROGRAM AT LAND BORDER PORTS OF
21 ENTRY.

22 (a) ESTABLISHMENT OF PROGRAM.—The Under Sec-
23 retary and the Commissioner shall, in consultation with
24 the Administrator of the Drug Enforcement Administra-
25 tion and any other entity the Under Secretary and the

1 Commissioner determine appropriate, including industry
2 experts and academia, jointly establish a pilot program to
3 develop new technology, or deploy existing technology, de-
4 signed to screen motor vehicles, pedestrian traffic, and
5 cargo entering the United States at a land border port
6 of entry for narcotic drugs.

7 (b) REQUIREMENTS.—In establishing the pilot pro-
8 gram required under subsection (a), the Under Secretary
9 and the Commissioner shall—

10 (1) facilitate the development of technology to
11 screen motor vehicles, pedestrian traffic, and cargo;
12 (2) develop processes and procedures necessary
13 to test, evaluate, and operationalize any technology
14 developed under the pilot program, including proc-
15 esses for incorporating the technology with, or re-
16 placing, technology in use as of the date of enact-
17 ment of this Act;

18 (3) review the processes and procedures for
19 screening and inspecting motor vehicles, pedestrian
20 traffic, and cargo at a land border port of entry of
21 the United States in effect as of the date of enact-
22 ment of this Act to determine—

23 (A) the effectiveness of the processes and
24 procedures; and

(B) whether adjustments to the processes and procedures are needed to enhance detection of narcotic drugs;

(4) implement adjustments, if any, identified under paragraph (3)(B); and

6 (5) consult with the National Institute of
7 Standards and Technology to ensure that tech-
8 nologies deployed under the pilot program perform
9 in an effective manner, including—

(A) periodic operational testing of deployed instruments using non-vendor supplied materials;

(B) reviews of screener training; and

14 (C) mechanisms to address the introduc-
15 tion of new narcotic drugs and sample types, in-
16 cluding analogue substances.

17 SEC. 6. REPORT ON PILOT PROGRAMS.

18 Not later than 1 year after the date on which the
19 pilot programs described in sections 4 and 5 are both im-
20 plemented, and each year thereafter until the sunset date
21 described in section (3)(c), the Under Secretary and the
22 Commissioner shall submit a joint report to the Com-
23 mittee on Homeland Security and Governmental Affairs
24 of the Senate and the Committee on Homeland Security
25 of the House of Representatives on—

- 1 (1) any technology developed under the pilot
2 programs and a description of how the technology
3 will be operationalized and incorporated into the de-
4 tection regime in use as of the date of enactment of
5 this Act;
- 6 (2) the effectiveness of the technology developed
7 under the pilot programs, including a comparison
8 against technology in use as of the date of enact-
9 ment of this Act;
- 10 (3) a cost estimate for operationalizing and im-
11 plementing the technology developed under the pilot
12 programs into the detection regime in use as of the
13 date of enactment of this Act;
- 14 (4) a timeframe for full implementation of the
15 technology developed under the pilot programs; and
- 16 (5) any conclusions based on the reviews re-
17 quired to be conducted, including suggested revisions
18 or alterations.

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